

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**NOEL BRALLEY,
CAROLYN BRALLEY,
and
BRAXTON BRALLEY,**

Plaintiffs,

v.

Case No. 3:10-cv-138-REP

MARK A. CAREY, *et al.*

Defendants.

**PLAINTIFFS' RESPONSE TO THE JUNE 20, 2011 UNNUMBERED MINUTE ENTRY
BY THE CLERK OF COURT**

Plaintiffs file this response in the interests of accuracy and correctness with respect to the proceedings as reflected on the Docket Sheet.

There is a presumption that entries of the district court clerk are accurate. "In the absence of reliable evidence to the contrary, we presume the accuracy of the district court clerk's docket entries." *Arnold v. Wood*, 238 F.3d 992, 995 (8th Cir. Mo. 2001).

The docket sheet contains an unnumbered June 20, 2011 minute entry that reads as follows:

Clerk received phone call from Mark A. Carey regarding status of case. It was explained that a number of Orders of the Court had been returned, undelivered. Clerk will send Orders since January to Mr. Carey as he requested. Mark A. Carey's new address and Law Offices of Mark A. Carey address is: 925-B Peachtree Street, NE, Ste. 307, Atlanta, GA 30309 (to be confirmed in writing). (cmcc,) (Entered: 06/20/2011)

In an abundance of caution, driven in part by counsel's duty as an officer of the Court, Plaintiffs note for the record that prior pleadings have been served on Defendants at, among other

addresses, 925B Peachtree Street NE, Suite 307, Atlanta, GA 30309. These include Plaintiffs' Motion for Order to Show Cause, Docket #39 and Plaintiffs' Memorandum in Support of Motion for Order to Show Cause, Docket #40. While other pleadings sent to Defendants at other addresses shown on certificates of service were returned to counsel, these prior pleadings were not returned to counsel. The "new" address for Defendants at 925B Peachtree Street NE, Suite 307, Atlanta, GA 30309 would accordingly appear to have existed in mid May, 2011, when the motion and memorandum, Docket ## 39 and 40, were mailed to 925B Peachtree Street NE, Suite 307, Atlanta, GA 30309.

Respectfully submitted,
Noel Bralley
Carolyn Bralley
Braxton Bralley
By Counsel

/s/
By: Dale W. Pittman, VSB#15673
Counsel for Noel Bralley, Carolyn Bralley
and Braxton Bralley
THE LAW OFFICE OF DALE W. PITTMAN, P.C.
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Petersburg, VA 23803
(804) 861-6000
(804) 861-3368 (Fax)
dale@pittmanlawoffice.com

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of July, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I will mail the foregoing by U.S. Mail, postage prepaid, to the following non-filing user:

Mark A. Carey, Esquire
Law Offices of Mark A. Carey
925-B Peachtree Street, NE, Suite 307
Atlanta, GA 30309

_____/s/_____
By: Dale W. Pittman, VSB#15673
Counsel for Noel Bralley, Carolyn Bralley
and Braxton Bralley
THE LAW OFFICE OF DALE W. PITTMAN, P.C.
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